

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BIS Advanced Software Systems, Ltd.,)
)
)
Plaintiff,)
)
) Civil Action No. 04-11960-RWZ
v.)
)
Red Bend Software, Inc., *et al.*,)
)
)
Defendants.)
)

)

PLAINTIFF'S NOTICE OF COVENANT

Pursuant to the Court's Order dated June 6, 2006, Plaintiff BIS Advanced Software Systems, Ltd. hereby covenants not to sue Defendant Red Bend or its current customers for infringement of U.S. Patent No. 6,401,239 based upon: (a) the software products currently used, made or sold in the United States by Defendant Red Bend; (b) products of Red Bend currently "in development"; and (c) products specifically identified in the Salinger Declaration, *see D.I. 64, ¶¶ 12-14.*

Respectfully submitted,

BIS ADVANCED SOFTWARE SYSTEMS, LTD.

By its attorneys,

/s/ Scott McConchie

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Dated: June 16, 2006

Certificate of Service

I, Scott McConchie hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and electronic and paper copies will be sent to those indicated as non-registered participants on June 16, 2006.

/s/ Scott McConchie
Scott McConchie